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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/678,915	10/04/2000	Ira A. Kronenberg	KRONA01/00	7233
27988	7590	07/13/2007		
JOSEPH T. REGARD, LTD PLC PO DRAWER 429 MADISONVILLE, LA 70447-0429			EXAMINER SHAAWAT, MUSSA A	
			ART UNIT	PAPER NUMBER
			3627	
			MAIL DATE	DELIVERY MODE
			07/13/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/678,915	Applicant(s) KRONENBERG ET AL.	
	Examiner Mussa A. Shaawat	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 1-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. This action is in response to the amendment filed on June 11, 2007. Claims 1-11 have been withdrawn. Claims 12-14, 17, 19 and 22 have been amended. Claims 12-22 are pending examination.

Claim Objections

2. Claim 15, 18 and 21 are objected to because of the following informalities: The status of claims 15, 18 and 21 recited "currently amended" however there is no indication such as strike through or underline text in the claims that implies that they are amended. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not clear to the examiner what is meant by "*conveying said portable computer with said pulled inventory away from said service vehicle, ... vending machines*" as recited in claim 12 lines 20-22. For the purpose of examining, the examiner interprets the above mentioned limitation as the location and route information is displayed on a handheld device.

In addition it is not clear to the examiner when does the reception of received data happens as recited in claim 12 lines 26-27 "*reception of said received data at the*

Art Unit: 3627

service vehicle to the point where each vending unit is opened for replenishing inventory". Furthermore claim 12 recites in line 26 "indicating same...", it is not clear to the examiner what is meant by the term "same". Appropriate correction is required. (see *In re Zletz* 13 USPQ2d 1320 (Fed. Cir. 1989))

Claim Rejections – 35 U.S.C. 103

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 148 USPQ 459, that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or unobviousness.

4. Claims 12-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beard et al. US Pat. No. 6,124,800 referred to hereinafter as Beard in view of Sedam et al. US Pat. No. 4,412,292 in further view of Varga et al., US Pub. No. US2002/0161475A1 as discussed in the previous office action. Further:

Beard teaches updated data streams are continuously conveyed to designated reception area in approximate real time (see at least col. 1 lines 33-46, col.7 lines 45-50); uploading said received data streams to a portable computer (see col.8 lines 19-25); utilizing said portable computer to compile said data streams, and display inventory data, so as to pull inventory from said service vehicle (see col.8 lines 19-25); said

Art Unit: 3627

portable computer indicates the location and route of the vending machines (see col.8 lines 19-25);

Although Beard teaches discerning vending machine activity relating to coin box or product inventory and updating inventory information (see at least col.1 lines 34-47, col. 3 lines 10-38), Beard does not expressly teach compensating for any activity from the period of reception at the service vehicle to the point when the unit is serviced. However it would have been obvious to one of ordinary skill in the art to know the maximum inventory that the vending machine can hold, for example if the driver knows that the vending machine needs 10 items to be at a maximum fill, and the handheld device says you need 8 items in order for the vending machine to be at a maximum, one would know to bring an extra 2 items just in case from the time the driver pulls the inventory (8 items specified by handheld device) to the time the driver gets to the vending machine location 2 more items were sold in order to eliminate having to make two trips to the truck the driver need only to make one trip ^{due to} ~~do to~~ him bringing the extra 2 items. Therefore, the only difference between Applicant's claims and what is suggested by the prior art, is automatically determining what was sold between the time the driver left the truck and the driver opened the vending machine. However, such a modification (i.e. automation), would have been obvious to one of ordinary skill, as it has been held that, it is not an 'invention' to broadly provide a mechanical or automatic means to replace manual activity which has accomplished the same result (In re Venner, 120 USPQ 192 (CCPA 1958) In re Rundell, 9 USPQ 220 (CCPA 1931))

Response to Arguments

5. Applicant's arguments have been fully considered but they are not deemed to be persuasive. Applicant argues in substance that, A) there is no motivation to combine the references (Beard in view of Sedam in further view of Varga) to teach the invention as claimed in the present application; B) Neither Sedam, Beard, Varga et al., alone or in combination, teach, suggest, or otherwise contemplate the method of conveying the data stream to the reception area utilizing a repeated "mono-directional RF transmission only".

In response to A), the examiner respectfully disagrees, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would be extremely advantageous to incorporate the teachings of Varga and Sedam into the disclosure of Beard, for the purpose stated in the previous action dated, 7/20/2006 which is to "improve the efficiency of the use of manpower and equipment in vending supply operations, (see Sedam col. 1, lines 55-56)" and to "reduce cost, (see Varga, para [0004])". Therefore, in view of the above evidence, Beard in view of Sedam in further view of Varga, still meets the scope of the limitations as currently claimed.

In response to B), the examiner respectfully disagrees. Applicant is reminded that claims must be given their broadest reasonable interpretation. Varga et al, teaches means for transmitting cash received and numbers of various goods dispensed and fault conditions; means for assembling such data and translating it into a standard format for transmission to a remote location using one-way communication such as radio transmission i.e. conveying or transmitting data utilizing mono-directional transmission, see (paragraph [0018], [0048]); therefore, Varga et al, meets the scope of the claimed limitation repeatedly transmitting updated data stream utilizing mono-directional RF transmission.

Contact Information

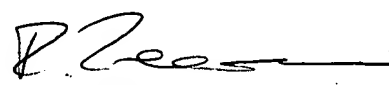
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mussa A. Shaawat whose telephone number is 571-272-2945. The examiner can normally be reached on Mon-Fri (8am-5:30pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mussa Shaawat
Patent Examiner
June 26, 2007

 7/2/07
F. Zeender
S.P.C. A.U. 3627

F. RYAN ZEENDER
SUPERVISORY PATENT EXAMINER